

MINUTES

UTAH PHYSICIANS LICENSING BOARD

November 14, 2007

**Room 474 – 4th Floor –8:30 A.M.
Heber Wells Building
Salt Lake City, UT 84111**

CONVENED: 8:40 a.m.

ADJOURNED: 12:01 p.m.

Bureau Manager:
Secretary:

Diana Baker
Shirlene Kimball

Conducting:

George Pingree, MD

Board Members Present:

James Pingree, MD
Kristen Ries, MD
Marc Babitz, MD
John Bennion, Ph.D., public member
Michael Giovanniello, MD
Stephen Lamb, MD
James Fowler, MD

Board Members Excused:

Richard Sperry, MD
Elizabeth Howell, MD
Lori Buhler, public member

Guests:

Kelly Thomas, UOU Family Medicine Residency

TOPICS FOR DISCUSSION

ADMINISTRATIVE BUSINESS:

November 14, 2007 Minutes:

Agenda review by Diana Baker:

Discussion:

DECISIONS AND RECOMMENDATIONS

The minutes were approved with corrections. All Board members in favor.

Ms. Baker presented a brief overview of the probationers coming before the Board today.

Dr. Babitz requested clarification regarding sample medications and expiration dates. The Pharmacy Board recently discussed drafting a policy regarding sample medications. Dr. Babitz indicated that a clinic in southern Utah that serves a population that can not afford medical care was recently told by a Division investigator that the clinic would be shut down if it continued to hand-out sample medications that are

expired. Ms. Baker indicated the Pharmacy Board discussed sample medications with the 4th Street Clinic at a recent meeting. Pharmacy Board members had expressed concern that patients who can not afford care receive the same quality of care as those who can. Dr. Babitz stated the clinic in question provides excellent care. The clinic has a prescription program offering samples sent by drug manufacturers. Some samples may be expired by a few days or weeks, but in most instances expired samples are still within their effectiveness date. Ms. Baker indicated she does not know which investigator would have told the clinic to shut down because the rule governs pharmacies and not individual physicians.

Divided into two groups 9:03

Group 1

Minute taker: Diana Baker:

Steven Pack, MD

Interview:

Members present: Dr. Ries, Dr. Babitz and Dr. James Pingree.

Dr. Pack appears to be doing well. He is in compliance with the terms and conditions of his Order.

Paul Benson, MD

Interview:

Dr. Benson is doing well and is in compliance with the terms and conditions of his probation.

Group 2

Secretary: Shirlene Kimball

Members present: Dr. George Pingree, Dr. Lamb, Dr. Giovanniello, Dr. Bennion and Dr. Fowler.

Stanton Bailey, MD

Interview:

Dr. Bailey stated he is doing very well. He indicated he works 4 days a week in Nephi and 1 day a week in Gunnison. He indicated he has been approached by the clinic director to work at the Fountain Green clinic twice a month. If approved by the Board, his schedule for every other week would be to work 3 days a week in Nephi, 1 day in Gunnison and 1 day in Fountain Green. He stated his work load would not increase. Board members indicated he will need to submit a practice plan to reflect the change. Dr. Bailey submitted support meeting attendance cards and stated he has been sober for 3 years and 8 months. **Dr. Bailey is in compliance with the terms and conditions of his Order.**

Jason Church, MD

Interview:

Dr. Church is working in Ogden and his supervising physician is Dr. Allred. Board members interviewed

Dr. Allred by telephone. Dr. Allred stated he understands his role as supervisor and is aware of the reasons why Dr. Church is being monitored. Dr. Church stated he continues to attend his support group meetings and indicated he is still meeting with Ohio to complete his probation there. **Dr. Church is in compliance with the terms and conditions of his Order.**

Reconvened to Full Board:

Steven Yearsley, MD
Telephone Interview:

Dr. Yearsley reported he is doing well. He indicated he just completed the San Diego PACE program. **Dr. Yearsley is current on all reports and appears to be in compliance with the terms and conditions of his Order.** Board members indicated once he submits the PACE program certificate, they may consider terminating his probation.

Report from Committees:

Dr. Paul Benson is doing well. Upon receipt of the final report from Dr. Brunson, the Board will consider a motion to suspend his meeting with the Physician's Licensing Board and allow him to meet with the Dental Board as long as he remains in compliance with his Order.

Dr. Stanton Bailey is doing well. It was recommended that Ms. Baker tentatively approve his practice plan that includes practicing two days per month at Fountain Green.

Darrell Anderson, MD
Interview:

Dr. Lamb conducted the interview. Dr. Anderson indicated he was unable to contact Dr. Mausberg to have him available for this meeting. Dr. Anderson stated he did not follow through with Dr. Mausberg because he had received the Order to Show Cause Hearing paperwork. He also stated he thought Dr. Mausberg had not been approved as his supervisor. Ms. Baker indicated he was scheduled for this meeting for follow-up on his current probation and he was told to have his supervisor available for this meeting. Board members tried to reach Dr. Mausberg by telephone, but were unsuccessful. Board members questioned whether or not Dr. Anderson has been receiving supervision. Dr. Anderson stated he has not. Board members voiced concern that Dr. Anderson has

been practicing without supervision since December 2006. Dr. Mausberg indicated in a letter he would be the supervisor, but no supervision has taken place. Dr. Lamb made a Motion to approve Dr. Mausberg as the supervisor and have Ms. Baker speak with Dr. Mausberg to make sure he understands his role as supervisor. Dr. Bennion seconded the Motion. Dr. Ries stated she is concerned that Dr. Anderson has been on probation for three years and has been practicing without supervision for the last year. Dr. Ries opposed the Motion. All other Board members in favor. Dr. Babitz made a Motion to have Dr. Anderson begin supervision immediately, meet with the Board next month, have his supervisor available and submit chart reviews to the Division prior to the meeting. Dr. Bennion seconded the Motion. All Board members in favor. **Dr. Anderson is grossly out of compliance with the terms and conditions of his probation.**

Board members questioned Ms. Baker regarding available options that can be taken prior to the OSC Hearing. Board members expressed concern with Dr. Anderson's practice and potential risk to the public. Dr. Bennion questioned whether or not the license could be suspended until the OSC Hearing is held on the basis his practice endangers the public. If this is not an option, Dr. Bennion questioned whether or not the hearing could be moved to an earlier date. Dr. Babitz stated the hearing date is determined by the attorneys and is out of the Board's control. Ms. Baker indicated Mr. Stanley can't recommend the license be suspended. Dr. Ries stated the minutes need to reflect the Board's concerns and that Dr. Anderson remains out of compliance with the terms and conditions of his Order.

Judy Engen, MD
Interview:

Dr. Engen indicated she has had health related problems and has not been able to meet with the Board for about a year. She stated she is on the road to recovery and plans to take the SPEX examination after the first of January 2008. She stated she has been unable to attend her 12-step meetings, but will start attending. The Board will see her in six months.

Discussion regarding the Role of the Board:

Ms. Baker stated this is a follow up discussion from several months ago. Dr. Lamb indicated in many

states the Board function is independent from a government agency and the Board has the authority to make all decisions. Ms. Baker indicated she understands the frustrations with being an advisory Board and working with a system that is complaint driven. Dr. Lamb indicated the frustration comes because the Board doesn't find out about a problem with an individual physician until after a complaint has been received, the investigation has been completed and a decision is made by the AG's office.

Board members questioned how to become an independent board instead of an advisory Board. Ms. Baker indicated there would need to be a Legislative change that is requested and supported by the profession. Dr. Lamb indicated he would like to research the process the contractors went through to become a Commission instead of a Board. Ms. Baker indicated Mr. Davis, chief investigator for the Division, could provide some information. Ms. Baker indicated the Pharmacy Board conducted a study which found if the money generated by licensure fees could remain with the Division instead of being returned to the General Fund, there would be enough money to hire additional investigators.

Dr. Bennion indicated he would like to see what models other states use for regulation. If there is a decision to move forward and pursue a change, the Board would have an idea on the different types of regulation.

Applications approved by the Division:

Arlan Henrie, MD
Sierra Pardey, MD
John Olsen, MD
Robert Duffin, MD
Justin Lee, MD
Ryan Murphy, MD
Brian Johnson, MD
James Clements, MD
David Bauer, MD
Lucy Hansen, MD
Erin Kurek, MD
Seth Kareus, MD
Nathan Friedline, MD
Daniel Gammon, MD

Blake Garner, MD
Sarah Davis, MD
Todd Clevenger, MD
Amy Liepert, MD
Sydney Leibel, MD
Adam Larson, MD
Bridget Brown, MD
Thomas Buchanan, MD
Sarah Batterton, MD
Daniel Johnson, MD
Anna Mckeone, MD
Shannon Dox, MD
Anya Chandler, MD
Carl Seger, MD
David Rhodes, MD
Melissa Reily, MD
Nathan Ragle, MD
Ryan Ragle, MD
Mary Staaby, MD
Elizabeth Northrop, MD
Marc Nuttall, MD
Peter Pelegrin, MD
Jay Patel, MD
Amber Mounday, MD
Jay Kang, MD
Randolph Cribbs, MD
Ulysse McCann, MD
Robert Roche, MD
Zachary Sturges, MD
Guido Tricot, MD
Sujata Kaushal, MD
Stephanie Johnston, MD
Michael Montejo, MD

Note: These minutes are not intended to be a verbatim transcript but are intended to record the significant features of the business conducted in this meeting. Discussed items are not necessarily shown in the chronological order they occurred.

December 12, 2007
Date Approved

(ss) George Pingree, MD
George Pingree, MD Chair Physicians Licensing Board.

December 12, 2007
Date Approved

(ss) Diana Baker
Diana Baker, Bureau Manager, Division of Occupational &
Professional Licensing